

Domestic Relations Committee
Judicial Conference of Indiana

Minutes

August 16, 2002

The Domestic Relations Committee met at the Indiana Judicial Center in Indianapolis, Indiana on Friday, August 16, 2002, from 10:30 a.m. - 2:00 p.m.

1. Members present. Cynthia J. Ayers; Robert R. Aylsworth, David Bonfiglio, Thomas J. Felts; E. Michael Hoff, Keith A. Meier; Robyn L. Moberly; Michael P. Scopelitis; Kathy R. Smith; Richard G. Striegel; William C. Whitman and Daniel F. Donahue, Chair.
2. Staff present. Jeffrey Bercovitz and Anne Jordan provided the committee with staff assistance.
3. Minutes approved. The minutes for the meeting of the committee on July 19, 2002 were approved.
4. Guests present. Robert Monday, PACE, was also present.
5. Mediation legislation. Magistrate Felts distributed HEA 1083-2002. This legislation provided for continuation of the Allen County Mediation Pilot Project, permitted any county to opt into this program, permitted the use of senior judges as domestic relations mediators, and created a new court in Vigo County. It was vetoed by the governor because of costs associated with Vigo County. Judge Donahue moved to support legislation continuing the Allen County Mediation Pilot Project, permitting any county to opt into this program and the use of senior judges as domestic relations mediators. Judge Smith seconded the motion. The motion was passed. The committee suggested Magistrate Felts contact Paul Leonard, Chair, Family and Juvenile Law Section, ISBA about this matter.
6. Child Support Guidelines.
 - a. The committee members discussed holding a work-study session. Mr. Bercovitz reported no grant monies are available for this session, but he would approach the Indiana Judges Association for funding of overnights. He said the Judicial Center would provide meals and mileage. The committee agreed to meet in Indianapolis on Friday, November 15 and Saturday morning, November 16 in Indianapolis, whether or not monies for overnights are available.
 - b. Committee members discussed a "fair share" approach to shared custody from the income shares model outlined by Dr. Betson at the last meeting. They agreed by consensus to: (1) address shared parenting in the child support guidelines; (2) use a cross-credit approach with a 1.5 factor if there is a substantially equal shared physical custody based on overnights; (3) use a sliding scale approach if there is less than substantially equal shared physical custody and a child spends no less than 40 % of overnights with the other parent; (4) recognize other expenses in addition the basic costs of raising a child (e.g. special needs of the child for education, car insurance for child, travel soccer and other expenses for the child); and (5) look at the income threshold to qualify for a shared parenting credit as well as a new worksheet to apply the parenting. The committee also agreed to have Dr. Betson review his proposal.
 - c. Members of the committee agreed by consensus to be responsible for the on-line child support guidelines calculator funded by JTAC. Mr. Bercovitz reported JTAC agreed to be responsible for costs associated with maintaining the system.
 - d. The committee agreed to hold an informal meeting of the committee at the September conference.

7. Education.

a. Committee members discussed the presentation on Child Support Guidelines at the Judicial Conference in September. They agreed Dr. Betson will talk about 30 minutes about the basic economic assumptions of the guidelines, Judge Donahue will talk 10-15 minutes on areas the committee is planning to amend in the present guidelines, including Dr. Betson's proposal for shared custody, and then permit 30 minutes for questions and answers. Judge Scopelitis and Judge Moberly agreed to be on a panel and take notes and answer questions during the session.

b. Anne Jordan asked committee members for topics for the November 13-14, 2003 Workshop on Domestic Relations. They suggested the following:

- (1) Dr. Betson to discuss shared parenting time;
- (2) Family court pilot projects;
- (3) Mediation in domestic relations courts based on HEA 1083; Allen County and other mediation projects at models. In addition, note the new rule permitting a special judge to serve as a mediator;
- (4) Parental alienation syndrome;
- (5) Property valuation including pensions and how to handle different kind of pensions, IRA's, QDRO's; maybe use George Launey, Actuary; Bill Murphy; or Bob Alerding as an expert speaker;
- (6) SSI and other benefits for income for purposes of the child support guidelines; and
- (7) Interviewing children in camera for domestic relations cases, not criminal cases; maybe use Sonia Leerkamp, Bill Ehrman, or Dr. John Ireland (Evansville) as an expert speaker.

8. Next meeting dates. The members of the committee agreed to meet again on Wed., September 11 from 10:00 a.m. – 11:45 a.m. in conjunction with the Judicial Conference in Ft. Wayne, meet Friday, October 18, all day November 15, and Saturday, November 16 in the morning; Friday, January 17, 2003, February 21, 2003, March 21, 2003, April 18, 2003, May 16, 2003, July 18, 2003, August 15, 2003, October 17, 2003, all from 10:30 a.m. to 4:00 p.m. at the Indiana Judicial Center; and Thurs.-Fri., Nov. 13-14, 2003 for an all day Judicial Center Seminar on Domestic Relations; no Nov. 2003 mtg.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law